



JPW

S&H Form: (02/05)

REPLY/AMENDMENT FEE TRANSMITTAL

Attorney Docket No.	1349.1371
Application Number	10/827,358
Filing Date	April 20, 2004
First Named Inventor	Jae-hee HAN et al.
Group Art Unit	2854
Examiner Name	Marissa L. Ferguson

AMOUNT ENCLOSED

0.00

FEE CALCULATION (fees effective 12/08/04)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	18	- 20 =	0	X \$ 50.00 =	\$ 0.00
INDEPENDENT CLAIMS	5	- 5 =	0	X \$ 200.00 =	0.00

Since an Official Action set an original due date of April 30, 2005, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months (\$1,590)); (5 months (\$2,160)):

If Notice of Appeal is enclosed, add (\$500.00)

If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)

Information Disclosure Statement (Rule 1.17(p)) (\$180.00)

Total of above Calculations =

\$ 0.00

Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)

TOTAL FEES DUE =

\$ 0.00

(1) If entry (1) is less than entry (2), entry (3) is "0".

(2) If entry (2) is less than 20, change entry (2) to "20".

(4) If entry (4) is less than entry (5), entry (6) is "0".

(5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

- ☐ Check enclosed as payment.
- ☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.
- ☒ No payment is enclosed.

GENERAL AUTHORIZATION

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

Deposit Account No.

19-3935

Deposit Account Name

STAAS & HALSEY LLP

- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name Michael J. Badagliacca

Reg. No. 39,099

Signature

M. Badagliacca

Date

April 29, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jae-hee Han et al.

Serial No: 10/827,358

Group Art Unit: 2854

Confirmation No. 2607

Filed: April 20, 2004

Examiner: Marissa Ferguson

For: PAPER DISCHARGING APPARATUS FOR A PRINTER

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed March 30, 2005, having a shortened period for response set to expire on April 30, 2005, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect Group I (claims 1-17) in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II (claim 18) is concerned, it is believed that claim 18 is so closely related to elected claims 1-17 that they should remain in the same application. For example, elected claim 1 recites a driving unit to selectively move the paper guide member, and claim 18 recites a moving means for selectively moving the stacking means. There have been no references cited to show any necessity for requiring restriction. It is believed, moreover, that evaluation of all sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious

burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Even if the Examiner considers claim 18 to be a separate invention from claims 1-17, the Applicants respectfully request the Examiner to consider claim 18 (Group II) and claims 1-17 (Group I) together.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the Group II claims recite, for example, a moving means for selectively moving the stacking means, and elected independent claim 1 recites, for example, a driving unit to selectively move the paper guide member, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4-29-05

By: 

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